



1633
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Barbara A. Gilchrest, Mina Yaar and Mark Eller

Application No.: 09/540,843

Group Art Unit: 1633

Filed: March 31, 2000

Examiner: B. Whiteman

For: Use of Locally Applied DNA Fragments

CERTIFICATE OF MAILING	
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REPLY TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants previously responded to the Restriction Requirement mailed from the United States Patent and Trademark Office on 3 July 2001 by electing Group I and phosphodiester as species in a Reply mailed to the Patent Office on 2 August 2001.

Applicants now respond to an additional requirement for an election of species for searching purposes set forth in a second Restriction Requirement dated 20 September 2001. Applicant hereby elects SEQ ID NO:5 as the species. Claims within Group I that are readable on the elected species are Claims 1-32, 51-53, 71, 72, 85, 86, 88, 89 and 92.

Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicants do not hereby abandon or waive any rights in the non-elected inventions.

The additional requirement for election of species is being traversed for the reasons set forth in detail below.

Except for SEQ ID NOs 2, 8 and 10, the oligonucleotide sequences represented by SEQ ID NOs 1-12 are related. SEQ ID NO:5 represents the telomere overhang sequence, SEQ ID NO:9 represents its complement; SEQ ID NO:11 is a portion of SEQ ID NO:5, and SEQ ID NO:12 is a portion of SEQ ID NO:9. SEQ ID NOs 1, 3, 4 and 6 also produced melanogenic effects. SEQ ID NO:4 is found within SEQ ID NO:3, and SEQ ID NO:3 is found within SEQ ID NO:1. SEQ ID NO:7 is identical to SEQ ID NO:3. SEQ ID NO:6 is the complement of SEQ ID NO:4. A search of "core sequences" SEQ ID NO:11 and SEQ ID NO:4 would cover the two families of sequences.

According to *Examination of Patent Applications Containing Nucleotide Sequences*, 1192 O.G. 68 (November 19, 1996), the Commissioner determined that normally, ten nucleotide sequences constitute a reasonable number for examination purposes. This guideline was made in the interest of aiding the biotechnology industry, without imposing an undue burden on the Patent Office. Applicants believe that the prior art search and examination of the claims of Group I, considering the species SEQ ID NOs 1-12 together, would be in keeping with these interests voiced by the Commissioner in 1996. Applicants therefore request that the second election of species requirement in the Restriction Requirement dated 20 September 2001 be withdrawn.

Respectfully submitted,

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ANNOUNCEMENT

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